

## **REMARKS**

Claims 1-75 and 87-95 are pending, with claims 49, 51, 56, and 61 being amended hereby. At the outset, Applicants gratefully acknowledge the courtesy extended by Examiner Stigell in the telephonic interview with undersigned counsel on March 27, 2007 during which the issues in this case were discussed and favorably resolved. The details of that telephonic interview are set out below.<sup>1</sup>

### **Claims 1-10, 14-27, 31-48, 65-75, and 87-95**

Claims 1-10, 14-27, 31-48, 65-75, and 87-95 were rejected for anticipation on the basis of either Feller et al U.S. Patent No. 4,362,156 ("Feller") or Jepson et al U.S. Patent No. 6,213,996 ("Jepson").<sup>2</sup> During the telephonic interview with Examiner Stigell, the common text of "flow therearound [around the member] and into the fluid tube" in these claims was discussed. Examiner Stigell agreed that neither Jepson nor Feller disclosed same. It was thus agreed that the rejections of these claims based on Feller and/or Jepson would be withdrawn. As these claims were not otherwise rejected, it is respectfully submitted that they are in condition for allowance.

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<sup>1</sup> Applicants acknowledge the indication of allowance of claims 11-13 and 28-30 and the apparent allowability of claims 51 and 52, the latter apparently being allowable upon deletion of the remaining recitation of leg in claim 51, which has been done herein. Applicants note that the allowance included claims 31 and 32, but as discussed with Examiner Stigell, that was a typographical error in that those claims depend from rejected claim 26, rather than claim 28. However, in view of the resolution of the rejections as explained hereinafter, the issue is submitted to be moot.

<sup>2</sup> Claims 31 and 32 were actually indicated to be allowed, *see n. 1, supra*. However, as they depended from claim 26, which was rejected, Applicants have treated them as being rejected along therewith.

### **Claims 49, 50 and 53-55**

Independent claims 49, and its dependent claims 50 and 53-55, were rejected for anticipation on the basis of any of Jepson, Feller or Utterberg U.S. Patent No. 5,951,519 ("Utterberg"). Claim 49 has been amended to recite the "fluid tube projecting through an aperture of the releasable clip spaced from a peripheral edge of the aperture". In the discussion with Examiner Stigell, tentative agreement was reached that, subject to further review by Examiner, such an amendment would overcome Jepson, Feller, and Utterberg. Under the circumstances, it is submitted that claims 49, 50, and 53-55 are now in condition for allowance.

### **Claims 56-64**

Claims 56-64 were rejected for anticipation on the basis of Utterberg. Claims 56 and 61, the independent claims thereof, have been amended to recite that the valve opening member is "held in fixed spatial relationship to" the fluid tube. It was pointed out to Examiner Stigell that the alleged valve opening member of Utterberg was movable relative to the alleged fluid tube as shown in Figs. 2 and 3, for example, and was thus not "held in fixed spatial relationship". In the discussion with Examiner Stigell, there was tentative agreement, subject to further review by Examiner, that such an amendment would thus overcome Utterberg. Under the circumstances, it is submitted that claims 56-64 are now in condition for allowance.

### **Conclusion**

Applicants submit that they have addressed all issues raised in the Official Action. Without waiving the right to present other or additional arguments in support of patentability of any or all of the claims, Applicants submit that consistent with the results of the telephonic

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interview with Examiner Stigell on March 27, 2007, the application is now in condition for allowance. In view of the foregoing, Applicant respectfully requests a formal Notice of Allowance at the earliest opportunity. If any issues remain, Examiner is respectfully asked to telephone undersigned attorney in an effort to promptly resolve same.

No fee is believed due herewith. If any other fee is due, please take this as authorization to charge same to our Deposit Account 23-3000.

Respectfully submitted,  
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